

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

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## ORDER

**(Accepting Report and Recommendation  
and Denying 28 U.S.C. § 2255 Motion)**

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED that: the Report and Recommendation (Dk. No. 55) is ACCEPTED AND ADOPTED; the motion under 28 U.S.C. § 2255 (Dk. No. 29) is DENIED; the action is DISMISSED; and a certificate of appealability is DENIED.

Carter may appeal the decision of the Court. Should he wish to appeal, written notice of appeal must be filed within sixty (60) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the ability to appeal.

The Clerk is DIRECTED to send a copy of the Memorandum Opinion and Order to Carter and counsel of record

It is SO ORDERED.

HENRY E. HUDSON /s/  
HENRY E. HUDSON  
UNITED STATES DISTRICT JUDGE

Date: Dec 12, 2011  
Richmond, Virginia